

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 3 has been amended to clarify the feature of the present invention whereby the focus adjusting mechanism continuously extends between the sample base and the fixing base for varying a distance along an optical axis between the sample base and the fixing base, as supported by the disclosure in the specification at page 74, line 22 to page 75, line 7.

In addition, claim 5 has been amended to clarify the feature of the present invention whereby the displacement sensor is provided in a vicinity of an end of the objective lens for detecting a distance between the stage and the end of the objective lens, as supported by the disclosure in the specification at page 73, lines 17-25.

Still further, minor amendments have been made to each of claims 3, 5 and 6 to make some minor grammatical improvements and/or to correct some minor antecedent basis problems so as to put the claims in better form for issuance in a U.S. patent. These amendments are clearly not related to patentability and do not narrow the scope of the claims either literally or under the doctrine of equivalents.

No new matter has been added, and it is respectfully requested that the amendments to claims 3, 5 and 6 be approved and entered.

THE PRIOR ART REJECTION

Claims 1-6 were rejected under 35 USC 103 as being obvious in view of the combination of US Patent Application Publication No. US 2001/0024320 ("Okada") and USP 5,521,762 ("Tomiyama et al"). This rejection, however is respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claim 3, a focus stabilizing apparatus is provided which comprises, in particular, a focus adjusting mechanism which continuously extends between the sample base and the fixing base for varying a distance along an optical axis between the sample base and the fixing base. As described at page 78, lines 10-23 of the specification of the present application, this feature of the present invention allows the mechanical coupling length between the objective lens and the slide glass to be set to a very short length. Thus, variation in the position setting between the sample and the focal point of the objective lens is minimized, even when ambient temperature varies. Significantly, therefore, the heat source of the microscope and ambient temperature only minimally influence the focus distance.

By contrast, it is respectfully submitted that Okada merely discloses an arm 3 projecting from the frame 1 above the sample stage 2. Thus, as shown in Fig. 2 of Okada, the objective 8 is provided separately from the sample stage 2, with only the arm 3 and frame 1 provided therebetween. It is respectfully submitted, therefore, that Okada does not at all disclose, teach or suggest the feature of the present invention as recited in amended independent claim 3 whereby the focus adjusting mechanism continuously extends between the sample base and the fixing base for varying a distance along an optical axis between the sample base and the fixing base.

According to the present invention as recited in amended independent claim 5, moreover, a focus stabilizing apparatus is provided which comprises, in particular, a displacement sensor provided in a vicinity of an end of the objective lens for detecting a distance between the stage and the end of the objective lens. According to this feature of the present invention, the focus position can be maintained by precisely responding to temperature changes.

By contrast, according to Okada, a vibration sensor 15, which the Examiner has identified as corresponding to the displacement sensor of the claimed present invention, is provided in a vibration absorber unit 10, which is located between the arm

3 and the ocular tube 4. It is respectfully submitted, therefore, that Okada also does not at all disclose, teach or suggest the feature of the present invention as recited in amended independent claim 5 whereby the displacement sensor is provided in a vicinity of an end of the objective lens for detecting a distance between the stage and the end of the objective lens.

Still further, it is noted that Tomiyama et al has merely been cited for the disclosure of parallel springs.

Accordingly, it is respectfully submitted that the focus stabilizing apparatus of the present invention as recited in each of amended independent claims 3 and 5, as well as each of claims 4 and 6 respectively depending therefrom, clearly patentably distinguishes over Okada and Tomiyama et al, taken singly or in combination, under 35 USC 103.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

Application No. 10/636,142
Response to Office Action

Customer No. 01933

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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